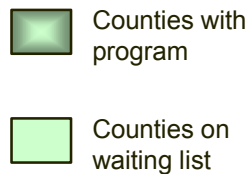


# Annual Evaluation Report

## December 2003



Prepared by  
Wisconsin Department of Transportation  
Division of State Patrol  
Bureau of Transportation Safety

# **Pretrial Intoxicated Driver Intervention Grant Program**

## **EXECUTIVE SUMMARY**

- Pretrial intervention programs, better known as intensive supervision programs (ISP), are designed to get repeat drunk drivers into counseling, treatment and monitoring as soon as possible after arrest and before conviction.
- The goal of any ISP model program is to increase the effectiveness of intervention efforts designed to minimize the likelihood that a driver will re-offend.
- Wisconsin's first ISP model program began as a pilot program in 1993 in Milwaukee County, using federal Section 410 Alcohol Incentive Grant funding administered by the Wisconsin Department of Transportation.
- State funding for ISP programs was authorized in the 1997-1999 state budget. With that funding decision, the Legislature required the Department of Transportation to prepare biennial reports evaluating the effectiveness of ISP programs.
- In 1998, ISP programs were established in Kenosha, Eau Claire and Marathon Counties. Additional ISP programs started in Waukesha County (1999), Chippewa, Forest, Vilas, Oneida, and Racine Counties (2000), and Portage, Trempealeau and Sheboygan Counties (2002).
- The range and delivery of client services in the ISP programs vary, reflecting the needs and objectives of the community, as defined by the district attorney, circuit court judges, county sheriff, and the defense bar.
- In 2002, 3,608 repeat drunk drivers received services in the 13 counties that operate ISP programs, with a successful client completion rate of 80.2%.
- Long-term analysis of drunk driving recidivism by clients in the four longest running ISP programs indicates:
  - ISP clients were less likely to be re-arrested for drunk driving (25% of ISP clients from July-December 1998 have been re-arrested once vs. 39% for non-clients).
  - ISP clients who did recidivate went a longer time to re-arrest (average 696 days for ISP clients from July-December 1998 vs. 539 days for non-clients).

# **Pretrial Intoxicated Driver Intervention Grant Program**

## **Introduction**

The statutory name for this effort is Pretrial Intoxicated Driver Intervention Grant Program. A more familiar name to those directly involved with this effort is Pretrial Intensive Supervision Program. That is the identifier this report will use.

In Wisconsin, the Pretrial Intensive Supervision Program (ISP) model has shown great promise as an effective way to reduce OWI (Operating While Intoxicated) recidivism. The Pretrial ISP is a court intervention program designed to monitor, supervise and connect the offender with assessment and treatment as soon as possible after the arrest and before conviction. The theory is that the effectiveness of intervention efforts increases as the time between the unwanted behavior and resulting legal sanctions decreases. This early intervention and monitoring prior to conviction/sentencing is what makes Wisconsin's Pretrial ISP model unique.

This report describes the ISP programs currently operating in Wisconsin and evaluates their effectiveness at reducing the recidivism rate of the OWI offenders who successfully complete the programs.

## **Background**

In 2002, 37,051 individuals were arrested in Wisconsin for Operating While Intoxicated (OWI).<sup>1</sup> In 2002, repeat offenders (i.e. drivers with at least one prior OWI conviction) represented 35.8% (33,870) of all OWI offenders convicted in 2002; most of these repeat OWI offenders (6,156) were second offenders.

Historically, Wisconsin, like most states, has relied on a mix of fines, driver license sanctions, and incarceration to penalize convicted drunk drivers. In fact, state law requires that all repeat OWI offenders spend at least five days in jail as part of the punishment for the offense. Some repeat offenders also have sanctions placed on their vehicles (e.g. seizure, immobilization, or installation of ignition interlock devices). However, experience has shown that the current array of penalties does not effectively alter drinking and driving behavior for all individuals with alcohol-related problems.

Before 1990, there were few alternatives to legal sanctions that could be used to modify the behavior of individuals believed to be at risk of a repeat alcohol-related driving offense. Since then, however, a variety of innovative public policies have been designed that, through education and rehabilitation, attempt to change the drinking and driving behavior of persons convicted of an OWI offense. Many of these efforts emphasize intervention as early as possible in an individual's drinking and driving career.

<sup>1</sup> OWI arrests and OWI convictions are two different numbers. OWI convictions and OWI offenders are also two different numbers.

The Pretrial ISP model was introduced in Wisconsin in 1993, when Milwaukee County received federal Section 410 Alcohol Incentive Grant funding through the Wisconsin Department of Transportation (WisDOT) to establish a pilot pre-trial intensive supervision program for repeat drunk drivers. The objectives of the program were to make the community safer by reducing OWI recidivism and the costs associated with incarceration of the offenders.

Since that time, continued federal Section 410 funding and new state funding administered by WisDOT has enabled other Wisconsin counties to develop and implement their own versions of the Pre-Trial ISP program model. Three of these programs (in Kenosha, Eau Claire, and Marathon Counties) began operation in 1998. A fourth ISP program, in Waukesha County, became fully functional in April 1999. Two additional ISP programs, in Chippewa County and a three-county cooperative effort in Forest, Vilas, and Oneida Counties, started up in early 2000. Racine County began its ISP program in July 2000. Portage, Trempealeau, and Sheboygan Counties began their ISP programs during 2002.

To implement a new ISP program and qualify for state funding, a county must be willing and able to contribute a local portion of the necessary funding, which could include program revenues from client fees, funding from county or municipal budgets, or funding from other local public or private sources. The local portion of program funding is supplemented according to a cost-sharing formula with funds allocated to the Pretrial ISP statewide support program by WisDOT from available federal Section 410 funding and from a state-funded grant program specifically created for ISP programs by the Wisconsin Legislature in the 1997-99 state budget.

As shown in Table 1, in the first year of ISP program operation, the local share of program revenues must meet at least 25% of the cost of the program. The remaining 75% non-local funding share is split between available federal and state funding sources.

**TABLE 1: Annual ISP Program Funding Source Allocation Schedule**

	<b>Local Funding Share</b>	<b>Federal and State Funding Share</b>	<b>Federal and State Funding Split</b>	
			<b>Federal Section 410 Funding</b>	<b>State ISP Grant Program Funding</b>
Year 1	25%	75%	67%	33%
Year 2	30%	70%	50%	50%
Year 3	35%	65%	33%	67%
Year 4	50%	50%	0%	100%

Currently, WisDOT provides first year non-local funding via two-thirds federal Section 410 funds and a matching one-third share with Wisconsin ISP Grant Program funds. In the second year of funding, the local share increases to 30%, while the remaining 70% non-local share is split 50/50 between federal and state sources. By the fourth year of operation, there is no federal funding involved, and the local and non-local shares are split 50/50, with 100% of the non-local share coming from available Wisconsin ISP Grant Program funds.

## **Wisconsin's Intensive Supervision Programs**

Intensive Supervision Programs (ISP) in the State of Wisconsin have implemented pretrial supervision models to monitor repeat OWI offenders, who are allowed to live in the community as long as they comply with their court-ordered bond conditions. Each Intensive Supervision Program possesses three core elements, which are:

- Centralized supervision, structured participant program monitoring, uniform data collection, standardized review of program compliance, and professional evaluation of program progress in coordination with the criminal justice system.
- Provision for community supervision and monitoring of repeat OWI offenders from the time of arrest and formal charging through final adjudication.
- Development and coordination of an array of interventions for the offender while under community supervision which may include: referrals for substance abuse treatment; referrals to the county selected assessor to develop a Driver Safety Plan, including the completion of the state-required assessment; random alcohol tests and drug screens; and attendance to such relevant activities as victim impact panels.

While each ISP incorporates these core elements into its program model, each county designs and implements a model that fits within its criminal justice system and can be supported through its community resources, thus benefiting the participants, criminal justice system, and community. Although program models vary, they are evaluated through the uniform collection of data and a standardized process that utilizes scientific principles to determine the overall effectiveness of the Intensive Supervision Programs in the State of Wisconsin.

The following brief description of each of Wisconsin's existing ISP programs illustrates these important similarities and differences. The ISP programs are described in chronological order by their start up dates.

## **Milwaukee County**

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Wisconsin Community Service (WCS), a private non-profit social service agency, has administered the Milwaukee County Pretrial Intoxicated Driver Intervention Program since the program began in 1993.

Participants enter the Milwaukee ISP program by court referral or court order. In the early years of program operation, all client admissions were voluntary participants, but now the majority of participants are mandated by the courts to participate in the program as a condition of release from custody. A few defendants per year enter the program upon referral from their attorney.

Not every second or subsequent OWI offender participates in the program. Only offenders who have committed a second or subsequent OWI offense; who have been released on bail or on personal recognizance; and who have not been charged with a more serious offense, are permitted in the program.

Participants remain in the program until final adjudication of their OWI case. Program length is based on the time it takes for the case to reach final adjudication. This is normally around 90 to 120 days following arrest, but may be shorter or longer depending on the circumstances of the case and the court calendar.

Once admitted to the ISP program, an alcohol and drug abuse (AODA) needs assessment must be conducted with the local state designated agency, IMPACT, to generate a Driver's Safety Plan. If the AODA assessor recommends outpatient therapy, the defendants who are covered by private insurance are referred to their healthcare provider to access those services.

Victim Impact Panels are cosponsored by WCS and the AODA Prevention Program at Milwaukee Area Technical College and are held every 3 – 4 months. OWI Project clients are required to attend a Victim Impact Panel.

Defendants are initially scheduled for two office visits per week with their case manager. They are subject to random drug/alcohol testing, and they receive referrals to community based alcohol and drug related support groups and any other supportive services that will minimize behavior that could lead to re-arrest or failure to appear at a scheduled court hearing. If the client is compliant, the required office visits are reduced to once a week.

Should a program client miss a scheduled office visit with their case manager, they are telephoned to determine the reason the appointment was missed. If the phone call does not lead to contact, then the client is mailed a letter advising them to contact their caseworker immediately. If appointments are not kept or program conditions are not met, program staff may ask the court to admonish and warn the client. Reports on program compliance are filed with the court of jurisdiction at every scheduled event. Missed appointments and positive drug tests are reported as they occur. Milwaukee County allows for the possibility of issuing a bench warrant if the participant fails to appear for a scheduled court hearing or for other violations of the conditions of release.

The Milwaukee ISP program maintains a client database that records all client related activity, cases, court appearances and arrests as they occur. Case dispositions are entered as well as referrals and treatment outcomes. The cases are closed shortly after sentencing. If a subsequent arrest for OWI occurs, the client's new charge is added to his/her history in the database.

The ISP program continues to enjoy support from the Milwaukee Circuit Court judges who cite the program as one of the most important resources the courts have for dealing with repeat OWI offenders. They appreciate that pretrial supervision of clients results in better treatment compliance. When Mothers Against Drunk Driving (MADD) was active in Milwaukee, the group was also supportive of the program and was involved in promoting the initial pilot project.

## **Kenosha County**

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Since April 1998, under the direction of the Kenosha County Sheriff Department, Wisconsin Community Services, Inc. (formerly known as Wisconsin Correctional Services, Inc.) (WCS) has administered the county's Pre-trial Intensive Supervision Program. The program is voluntary for second or more offenders and carries a client fee of \$200, with possible waivers for indigents.

Defendants who are released on bail or a personal recognizance bond are stipulated to cooperate with pre-trial supervision. WCS operates a general pretrial supervision program in addition to the Intoxicated Driver ISP. Defendants are ordered by the Court to WCS pretrial general supervision at which time program staff explain the benefits of being in the ISP. The defendant is not mandated, but may choose to enroll in the ISP. The Court's position is that it should not mandate a program that requires a fee. Therefore, if the defendant chooses not to be in the ISP, typically because they do not want to pay the fee, they are still required to report to WCS. However, these defendants are not required to access treatment and are not entitled to any sentencing consideration as a result.

At the intake interview, staff collects information regarding the defendant's employment background, use of alcohol and drugs, treatment history, and family information. Information is also gathered on the individual's past driving record and prior contacts with the criminal justice system. A supervision plan is then developed based on the background and assessment information.

Offenders who do choose to participate in the ISP are encouraged to complete a Driver Safety Plan, and the recommended level of treatment, as soon as possible. This participation allows the judge to take program participation into consideration at the time of sentencing. It also gives the defendant earlier insight to their alcohol problem.

The Kenosha County ISP program requires the defendant to report on a random basis to the program provider. This is usually more times per week than originally ordered as a condition of bond. While in the program, participants are subject to random drug and alcohol tests and must attend a Victim Impact

Panel organized by Mothers Against Drunk Driving (MADD). In addition, participants are asked to attend a predetermined number of Alcoholics Anonymous meetings each week.

Keeping track of repeat offenders is done each workday. A program supervisor reviews the arrest log of all new OWI cases, which is maintained by the District Attorney. The log identifies the arrested parties by name and charged violation(s). This allows for prompt identification of program participant who have re-offended.

The length of program participation is largely determined by the time it takes for an individual's case to reach final disposition, which is highly dependent on the court process. The average length of the program is approximately three months from entry into the program until final disposition.

The Kenosha ISP program, via the caseworkers, has daily interaction with the Kenosha County Circuit Court system. Caseworkers submit compliance and non-compliance reports to judges, assistant district attorneys, and defense attorneys. At the time of sentencing, everything that the offender has undergone, in terms of AODA treatment, is presented in a report to the Court. The same holds true when a defendant has refused to cooperate with the recommended treatment plan. Caseworkers are required to appear at all noncompliance hearings.

Defendants are given both the incentive and opportunity to alter their behavior while they are still in the community. Because the objective of the ISP program is to produce lower rates of OWI recidivism and related traffic offenses, the community has a favorable opinion of the program. The daily interaction with the judicial system has given the courts greater assurance that any pretrial misconduct will be detected and that the individual's efforts to address his/her substance abuse problems will be documented. The alcohol-treatment community supports the program by providing timely AODA assessments and treatment recommendations.



## **Eau Claire County**

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The Eau Claire County ISP program, known locally as the Intoxicated Driver Intervention Program (IDIP), has been administered since its inception in June 1998 by Triniteam Inc. (Triniteam), a not-for-profit social services agency.

The purpose of Triniteam's IDIP is to provide early intervention services in Eau Claire County in order to help repeat offenders discontinue their pattern of drinking and driving. IDIP participants may receive reduced fines and/or a reduction in jail time if they successfully complete the program. This frees up needed and overcrowded jail space while giving individuals the opportunity to address issues that impact their drinking and driving behavior. In addition to helping repeat offenders "turn their lives around", the outcomes of IDIP include significant savings in county expenditures on jail days, increased community service (a requirement for all IDIP participants), and increased public safety (reducing drinking and driving can actually save lives).

Triniteam provides case management services for IDIP participants, coordinating services and providing appropriate referrals to other community resources. Case managers help assure that each participant completes her/his required AODA assessment and assists each participant in "staying on track" - following through on her/his Driver Safety Plan requirements as well as any treatment recommendations.

Triniteam also coordinates the Victim Impact Panel, which all IDIP participants are required to attend. The VIP helps participants more clearly understand the possible tragic results of drinking and driving. Panel members can include local victims who have had family members killed by a drunk driver or who themselves have been injured by a drunk driver as well as individuals who themselves have killed or injured someone as result of driving drunk.

Alleged 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> OWI offenders tagged in Eau Claire County may participate in Triniteam's IDIP (it is a voluntary program). In order to participate in IDIP an individual must agree to plead "guilty" or "no contest" when appearing in court on the OWI charge.

Potential participants are informed of Triniteam's IDIP at their initial court appearance. Those who decide to take advantage of IDIP are scheduled for an initial meeting with an IDIP case manager before their pretrial conference. The typical duration of service is 3-6 months. The program fee for participants is just \$150, with an additional 20% discount given to participants who pay in full within two weeks of their initial meeting. Final sentencing of IDIP participants is deferred until the offender completes or is otherwise discharged from the program.

Each IDIP participant is required to:

- Meet with her/his case manager as scheduled (typically once per week)
- Call in as scheduled every week (currently Monday, Wednesday and Friday) to determine if s/he has been selected for random urinalysis/breath analysis

- Cooperate with completing requested urinalysis/breath analysis
- Attend a Victim Impact Panel (VIP)
- Complete assigned community service hours
- Complete appropriate assessments and fulfill requirements of her/his Driver's Safety Plan
- Plead "guilty" or "no contest" when s/he appears in court on the OWI charge

If a participant does not successfully complete the program s/he will not be eligible for reduced sentencing. Those that do successfully complete IDIP are given a reduced sentence, according to locally established judicial sentencing guidelines.

## **Marathon County**

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Since its inception in July 1998, the Marathon County Intensive Supervision Program (MCISP) has functioned within Marathon County's Community Corrections Project. ATTIC Correctional Services, Inc. is the service provider. The objectives of the Marathon County Community Corrections Project are to reduce recidivism, alcohol-related motor vehicle crashes, and taxpayer costs associated with prosecution and incarceration.

This program provides services to a larger population than just that of the OWI repeat offender. ATTIC also provides the MCISP pretrial/post-adjudication supervision and services to repeat Operating After Revocation (OAR) and Operating After Suspended (OAS) offenders. The inclusion of OAR and OAS offenders makes the Marathon County program unique among ISP efforts in Wisconsin. The population in the MCISP consists of approximately 70% OWI offenders and approximately 30% OAR/OAS offenders. Approximately 20% of all OAR/OAS offenders referred are also OWI-related.

The program recognizes that there is a group of drivers in the community who are not effectively deterred by public awareness messages and existing sanctions. These offenders continue to drive even after suspension or revocation of their licenses. The MCISP program is designed to intervene and monitor the offender's compliance with judicial orders and to connect the individual with appropriate program/treatment services.

The MCISP population consists of 80% pretrial and 20% post-sentence offenders. Judges, the district attorney's office, the public defender's office, and the Department of Corrections refer offenders to the MCISP program. OWI, OAR and OAS offenders enter the program as a condition of bond, on a

voluntary basis, as an alternative to revocation, as a deferred entry of judgment or as a post-sentence Electronic Monitoring Program (EMP) participant.

The program averages 26 referrals each month. In Marathon County, individuals must meet certain eligibility requirements to enter the program, including: (1) have one or more prior OWI convictions and/or have two or more prior OAR or OAS convictions; (2) be charged in Marathon County; (3) have no current pending charges for violent offenses; and (4) must be physically/mentally able and demonstrate a willingness to comply with expectations of the program.

After referral, ATTIC Correctional Services follows up with the potential participant at one of the following points:

- At court intake (approximately 70%)
- In conjunction with the EMP program (20%)
- At the pre-trial conference (9%)
- Voluntary (1%)

Once the offender is referred, an initial screening interview is scheduled within seven days. At the interview, an in-depth need/risk assessment is conducted. This includes the following assessment tools: ASUS (AODA) assessment, LSI-R (short version) and AODA pre-test.

Once the assessment is completed, an individual treatment program is designed based on the offender's needs and willingness to participate. Participants are assigned to intervention and relapse prevention groups to address AODA issues and Corrective Thinking errors. Breathalyzer/ urinalysis testing and appropriate referrals are made to local agencies to provide additional individual and group counseling as needed. ATTIC works in conjunction with Marathon County Justice System, as well as with Mothers Against Drunk Driving for Victim Impact Panels. In September 2002, BA/UA tests went from scheduled to random in order to serve the increase in population as well as hold the offenders more accountable.

The MCISP program provides continued case management services, such as employment assistance, financial budgeting, and court liaison services. On average, participating offenders are in the program for 120 days (pretrial), and then continue in the program as post-sentence offenders for two to nine months. The average length of stay in the program is 167 days. Program length varies based on individual factors of each case. Factors include identified needs, case status and length of EMP sentence. Post-tests are given at completion of the program to gauge changes in attitudes and beliefs, thinking patterns, and AODA knowledge.

Tracking repeat offenders in the MCISP is done through self-reporting of new offenses, coordination with the EMP case manager and Department of Corrections agent, Wisconsin Circuit Court Access Project, and WisDOT driver record checks.

ATTIC provides one-to-one case management, weekly/daily check-ins, coordination with intervention (outlined above), and progress reports to the Marathon County judicial system. Interaction with the

Judicial System is via regular written/verbal communication. The program coordinator attends and assists the DA's Office with program referrals at initial traffic court appearances, which are held weekly.

Marathon County's Intensive Supervision Program has received a positive response from the county judiciary and system stakeholders based on the number of referrals received monthly. The Marathon County Criminal Justice System continues to evaluate the services provided to ensure that the services meet the needs of Marathon County.

## **Waukesha County**

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Since its beginning in February 1999, Pretrial Intensive Supervision Program administration and services in Waukesha County have been provided through Wisconsin Community Services, Inc. (WCS), which also operates the ISP programs in Milwaukee and Kenosha Counties. The program began with mandatory participation of third or subsequent offenders. In March 2001, the program was expanded to include mandatory participation of all second or more offenders, which has more than doubled the caseloads. The Waukesha program now has four full-time and two half-time caseworkers, in addition to a part-time supervisor. The program receives an average of 60-75 new clients each month and has a current active caseload of 350 to 400 clients.

The Waukesha County District Attorney's Office has implemented a Fast Track charging system, whereby all repeat OWI offenders are charged and must appear in court within seven days of arrest. As a condition of bail, all offenders are then ordered to the Intensive Supervision Program and must report to WCS within 24 hours of the initial court hearing, or within 24 hours of release from custody if cash bail was ordered. The district attorney's office now contributes to the funding of the program to accommodate the increased caseloads due to the inclusion of all second OWI offenders.

A caseworker meets with the defendant, completes an intake interview, and orients the individual to the program. At this time, they explain bail conditions and discuss treatment options. The needs assessment consists of the defendant's present situation, past juvenile and adult arrest record, work history, family situation, alcohol/substance abuse history and treatment history.

All defendants are informed that if convicted, an AODA Driver's Safety Plan (DSP) assessment and attendance at a Victim Impact Panel will be ordered at sentencing; however, defendants may complete these obligations prior to conviction. Even if offenders do not complete the DSP at this time, they are required to receive an AODA assessment to ensure a referral to the proper treatment level. Treatment is not the same for all participants. Some attend education classes, but some receive as much as residential or inpatient treatment. Everyone is treated on an individual basis based on needs. The average time required to complete the program is approximately six months or until the case is adjudicated.

Supervision is conducted by requiring the defendant to come into the office twice a week until established in the program and the program fee is paid in full. Contacts are then reduced to once

weekly. Random breath tests and drug screens are conducted at office visits. Caseworkers also monitor the defendant's progress in treatment.

Since all repeat offenders are mandated to the program in Waukesha County, recidivism for these repeat offenders is easily tracked if an offender gets rearrested in Waukesha County.

Interaction with the judicial system is done through progress reports filed with the Court at each court appearance, and if any non-compliance occurs the Court is notified immediately. Non-compliance is defined as continuously missing appointments or having a positive drug screen or breath test. Offenders who are compliant and successfully complete the program receive consideration at sentencing, typically an average reduction of 30 days in their jail sentence.

This is of particular interest on a local level due to the jail overcrowding issue in Waukesha County. By reducing the jail sentence of OWI offenders who comply with treatment at the pretrial stage, the program saves approximately 14,000 jail days a year.

This program receives tremendous support from the judicial system and alcohol treatment community. The courts review non-compliance reports submitted by the program and may review the bail situation if non-compliance continues. WCS has a collaborative working relationship with the Addiction Resource Council for the Driver's Safety Plan assessments, the local treatment providers, and the Waukesha County Department of Human Services for treatment of indigent clients. WCS is a member of the steering committee and plays an active role in facilitating Victim Impact Panels in Waukesha County.

## **Chippewa County**

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The ISP program began in Chippewa County because there was a high percentage of OWI repeat offenders in the community. Community Counseling Services has been the assessment agency for Chippewa County for almost twenty years. There have been thousands of court orders for assessment on file where the OWI offenders have never made contact with the office to complete the assessment and driver safety plan as is required to be licensed after an OWI arrest. Instead those offenders continued to drive without a license and more importantly, without addressing any problem they may have with alcohol or drug abuse. The objective was to give those OWI offenders some incentive to address the alcohol/drug use which caused the OWI arrest, and then give them help and encouragement to make changes to improve their lifestyle. The program is set up to reduce the risk of the offenders getting another OWI.

The Chippewa County ISP program has been in operation since January 2000. Local police and sheriff departments, attorneys, the district attorney's office and courts refer clients to the program. Clients are contacted as soon as an arrest report is received. It is important to have contact as soon as possible for the best outcome in regards to behavior modification. An intake is scheduled that focuses on treatment needs. At that time program requirements are explained, a \$100 fee is collected, and information is gathered about the client. If the client is in need of alcohol/drug treatment, a recommendation is made.

Monitoring of the client begins after a plea is entered in court. This is a voluntary program for second, third and fourth OWI offenders. It is mandatory for fifth time offenders and above as a condition of bond.

There is a full time case manager and a part time data entry person. The director of the program completes all intakes and exit interviews as well as being available for weekly meetings and victim impact meetings as needed. The director is also the representative to the community and works with the courts, providers, attorneys and law enforcement. The numbers have increased with 90 people beginning ISP in 2000 to 135 in 2001 to 163 in 2002.

Requirements for participation in the program are:

- An extensive intake, which includes personal biography and alcohol and other drug history. Clients complete a goal sheet and sign an agreement to follow the components of the program. Releases of information are signed for all agencies that will assist in client's programs since the ISP program considers all information confidential.
- Total abstinence from alcohol/other drugs. If there is a relapse, the next level of care is required in order to remain in the program.
- Attend weekly meetings at the ISP office to ensure that the client is following program components requirements and having no difficulty doing so.
- Be involved in AODA assessment and recommended programming.
- Attend monthly meetings that focus on the irreversible consequences of an OWI.

The program is for all repeat OWI offenders. Participation in the program lasts from three to six months. There are times when the program is extended if it is determined that a client is in danger of relapse or if a client has failed to complete requirements successfully. Failure to remain abstinent will require clients to attend a more structured or intense treatment, attend additional sessions at the office, and be tested daily for alcohol/drug use. The extra office visits and testing are not meant as punishment for relapsing, but a way to give the client more accountability and support to remain sober.

If the client meets the requirements of the ISP program, the court will reduce jail time and substitute community service hours. This has proven to help clients feel that they are part of the community and many times clients continue volunteering after the community service hours are complete. It also allows clients to be responsible for the OWI offense by spending between 25 and 300 hours giving back to the community rather than sitting in jail doing nothing. In 2000, clients gave 3,575 hours in community service, in 2001 clients worked 5,575 hours and in 2002, clients worked 7,650 hours in community service. It is estimated the savings in jail costs in the three years since ISP began exceeds \$500,000.

## **Forest, Vilas and Oneida Counties**

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Forest, Vilas, and Oneida Counties started the program in July 2000. The Human Service Center in Rhinelander is the central location for the ISP program. Because of the tri-county area, the case

managers travel to more convenient locations. Many of the clients live in very rural areas without a driver's license. Since very little public transportation is available, this can be a detriment to maintaining compliance. That is the reason why it's so important that the ISP program travel to meet them. Providers in the area willingly offer office and group space to meet with the clients.

The program has gone through many changes. The staff has gone from one full time case manager and one half-time manager/coordinator to 3 full-time case managers. The coordination is now done by the newly hired AODA Services Administrator who oversees this program as well as other AODA services. This has allowed us spread ourselves out over the 3-county area better as well as have more frequent presence at court hearings and be more readily available to multiple offenders.

The program began by serving the second and subsequent OWI offender. The numbers were too large for the staff to deal with, so early this fall it changed to third and subsequent OWI offenders. This is a difficult population. Many of these clients have never received services and some have been in and out of AODA/Mental Health services for many years. The positive emphasis is early intervention.

F/V/O does not do any drug testing. The clients volunteer or are encourage by the judge or attorney to become involved with the program. The Human Service Center will be charging a program fee, added on to court costs and fines, for the program in the future.

The Human Service Center works closely with the providers, OWI assessor and probation officer. A big key is communication with the offenders so the services continue. The Center might consider providing services that follow the offenders into jail. If services are interrupted, the clients will revert to their former ways.

The procedure of the program has not changed. Judges, attorneys and offenders themselves provide client referrals. An individual session is scheduled and an evaluation is completed. The client could be referred to outpatient, residential treatment or mental health counseling. If the client is not able to start outpatient counseling, the ISP staff has two support groups in Vilas County. This helps by keeping the client involved until other services can begin. The case managers follow the clients until they have completed services or are well on their way. If a person relapses, they are not discharged.

The court system in the tri-county has been very supportive from the beginning. At the time of sentencing, the court will order a fine and jail time. The judge may stay some of the fine and jail and give the client a review date to come back into court. At that time the judge will review the information that ISP staff have sent in. If the client does not follow through with the program that has been set up for them, the judge will order them to complete the original fine and jail. After the initial screening, releases of information are signed, a brief AODA assessment is completed, and collateral contacts are made. Collateral contacts are done by telephone or mail. The information gathered by the case manager is shared with the AODA service providers.

The F/V/O ISP program has received the support of the judges and district attorneys in all three counties. Prior to sentencing, recommendations are sent to these individuals. Verification of client participation in various elements of the ISP program is also provided in writing by ISP staff to judges, prosecutors, and private attorneys.

A series of Victim Impact Panels began in January 2001. Since that time nine different panels have been completed (five in Vilas County and four in Oneida County). The panels have been a very positive aspect of the program and were received with favorable remarks from clients. By the middle of 2003, we began experiencing some difficulty with keeping up the number of panels as a couple of key participants have moved out of the area. We are currently taking on more of the coordination of the panels and revamping them.

The average length of stay in the ISP program is 7-8 months. This period may be extended depending on the court schedule and the programming in which the client is actively involved. The case manager has contact with the client as soon after the arrest as possible. This is critical because the clients seem to be the most motivated and willing to change at that time.

The case manager's commitment includes: attending court sessions, and maintaining contact with legal professionals and treatment providers to assure their understanding of the program.

## **Racine County**

**Jerry Solem, Manager 262/632-1780 ZCi1@ameritech.net**

In August 2000, the Racine County Sheriff's Department received funding from WisDOT to begin operating a Pretrial Intensive Supervision Program. Zimmerman Consulting, Inc. administers the program on a daily basis.

The core elements of Racine County's ISP program include:

- Centralized screening, review, and assessment of repeat OWI cases by program caseworkers in coordination with the District Attorney and Courts
- Provision for a period of community supervision of repeat offenders from the time of arrest and charging through final adjudication
- Development and coordination of an array of interventions for the defendant while under community supervision, which may include alcohol/drug abuse treatment, alcohol and drug testing, and coordinated alcohol and other drug abuse (AODA) assessment and evaluation process

The Racine County Court Commissioner orders all defendants charged with second or subsequent OWI to participate in the ISP program. The conditions of bond may also include other requirements, such as curfews, community service, and electronic monitoring. After the initial bond hearing, the defendant and his attorney are given a brochure outlining the ISP program.

Admission to the program consists of an interview with a case manager, who reviews the defendant's criminal history, current case status, and social and family history. The case manager reviews the requirements of the program with the participant and develops a plan of intervention. A urine specimen



is collected to test for use of controlled substances, and a breathalyzer test is given to determine breath alcohol concentration.

Participants are expected to comply with all program requirements and their plan of intervention until the final disposition of their case, which generally ranges between three and six months. Specifically, participants are required to comply with the following:

- Attend all scheduled court hearings and appointments
- Cooperate with all program plans according to their plans of intervention, which includes attending AODA meetings or self-help groups
- Abstain from the use of alcohol and illegal drugs
- Be available for random drug and alcohol testing
- Contribute \$150 to the cost of the program (program fee ordered as a condition of the bond)

Once enrolled in the ISP program, an AODA assessment is completed so that a Driver Safety Plan can be developed. Participants are required to pay for this assessment to the appropriate vendor. The case manager uses the results of this assessment to develop a plan of intervention. Program requirements include at least one weekly on-site visit in addition to other in-person, telephone, or collateral contacts. During the weekly on-site visits, the case manager reviews progress, compliance, and activity level. During these sessions, the case manager:

- Collects all attendance slips to verify participant's presence at self-help groups and other required meetings determined in the plan of intervention
- Assesses overall progress
- Updates address, employment status, and other information as necessary
- Conducts alcohol and drug tests

Participants who violate ISP program rules are sanctioned. These sanctions range from increases in case management contacts to revocation of bail, depending on the rule violation. Case managers provide written reports to the court detailing program requirements that the defendant complied with and those that were violated.

Any program violation that includes a positive test for alcohol or illegal substances causes a report to be immediately written by the ISP case manager and submitted to the appropriate court. A bond review hearing is scheduled within 2–4 days. The commissioner or judge will determine the appropriate response.

## **Sheboygan County**

**Holly Patzer, Administrator 262/544-5431 [hpatzer@wisconsin.gov](mailto:hpatzer@wisconsin.gov)**

The Sheboygan County Pre-Trial Intensive Supervision Program was initiated in June of 2002, and became fully operation in September of 2002. The Sheboygan County Sheriff's Department is the

recipient of the grant, and the services are delivered through Wisconsin Community Services, Inc. (WCS) which also operates the ISP programs in Milwaukee, Kenosha and Waukesha Counties.

At the direction of the Sheboygan County judges, the program is court ordered and participation is mandatory for all second or more repeat offenders. It is anticipated that approximately 250 offenders will be admitted to the program annually. Since participation by all repeat offenders is mandatory, recidivism for these repeat offenders will be tracked if an offender gets rearrested in Sheboygan County.

At the initial appearance, the court commissioner orders offenders to the program as a condition of bail. They must report to WCS within 24 hours of the initial court hearing, or within 24 hours of release from custody if cash bail was ordered. A caseworker meets with the defendant, completes an intake interview, and orients the individual to the program. At this time, they explain bail conditions and discuss treatment options. The needs assessment consists of the defendant's present situation, past juvenile and adult arrest record, work history, family situation, alcohol/substance abuse history and treatment history.

All defendants are informed that if convicted, an AODA Driver's Safety Plan (DSP) assessment will be ordered at sentencing; however, defendants may complete this obligation prior to conviction. Even if offenders do not complete the DSP at this time, they are required to receive an AODA assessment to ensure a referral to the proper treatment level. Treatment is not the same for all participants. Some attend education classes, but some receive as much as residential or inpatient treatment. Everyone is treated as an individual, based on needs. The offender stays in the program for as long as it takes for case adjudication, usually three to six months.

Supervision is conducted by requiring the defendant to come into the office twice a week until established in the program and the program fee is paid in full. Contacts are then reduced to once weekly. Random breath tests are conducted at office visits. Caseworkers also monitor the defendant's progress in treatment.

Interaction with the judicial system is done through progress reports regarding program and treatment compliance which are filed with the court at each court appearance, and if any non-compliance occurs the court is notified immediately. Non-compliance is defined as continuously missing appointments or having a positive drug screen or breath test. Offenders who are compliant and successfully complete the program receive consideration at sentencing, typically a reduction of one third to one half of their jail sentence.

WCS has a collaborative working relationship with the Sheboygan County Human Services for the Driver's Safety Plan assessments and with the local treatment providers. Program staff is collaborating with officials from Sheboygan County, Manitowoc County, and Calumet County to develop a tri-county Victim Impact Panel at which clients could attend as part of the pretrial supervision.

## **Portage County**

**Kathy King, Administrator 715/346-1342 kingk@co.portage.wi.us**

The Portage County Intensive Supervision Project continues to function within the County's Community Justice Programs Project. Through a competitive process, the project was awarded to Attic Correctional Services, effective January 1, 2004. Administration of the project will be done by Portage County Justice Programs, within the Portage County Planning and Zoning Department. The project continues to be guided by the Portage County Justice Coalition, which is a system of stakeholders and community members.

The project has experienced wide acceptance and support from system stakeholders. We continue to monitor the impact of the program on key objectives. These objectives are to reduce repeat offenses, damaging motor vehicle crashes, and taxpayer costs related to criminal prosecution and incarceration. This is accomplished through offender screening, supervision, case management, programming, and referrals to community agencies.

System stakeholders continue to order the Intensive Supervision Program for all third OWI (and above) offenders as a bond condition. There have been some exceptions for defendants who do not live near Portage County or another OWI Intensive Supervision Program. In these cases, efforts are made to increase structure and accountability through local services.

We developed additional strategies to motivate continued program compliance and encourage sustained treatment/programming. Through collaboration with the Jail Administrator, we agreed that convicted offenders must continue to participate in the OWI Intensive Supervision Program while awaiting their jail sentence. This allows us to provide structure and facilitate ongoing services. If an offender refuses to comply with the program, he/she must begin their sentence immediately upon conviction. This limits the likelihood that the offender will commit a new offense. To date, all offenders have agreed to participate in the program post conviction.

We worked with local treatment providers to better identify and deliver programming and treatment for program participants. These efforts include joint training and delivery of programming, and shared decision-making regarding program protocols. Our goal is to place offenders in programs best suited to their level of chemical involvement, risk to violate/re-offend, and motivation to change. We have examined different screening methods, program designs, and delivery systems. We are testing several methods, and soliciting offender feedback on the strategies.

Referrals to the program stabilized at 50-55 on-going participants (monthly average). For those that successfully completed the pre-trial phase of the program, approximately seventy percent participate in the post sentence program. Those that do not participate, have generally not been approved for the Home Detention Program, and chose not to continue treatment/programming.

The program structure is unchanged. We are evaluating the screening methods, and may alter the tools used based on continued discussion with local service providers and the local OWI assessor. Three

Victim Impact Panels were presented in cooperation with Mothers Against Drunk Drivers. We modified the panel and included a convicted offender. Panel members and program participants had a positive response to this change. Impact Panels were opened to local AODA treatment programs to educate group members.

We continue to coordinate with community resources and monitor services received. This helps us identify what services are readily available and what resources are needed. Participants are offering feedback and suggestions on the program. This information is shared with system stakeholders, and will be used in upcoming discussions on AODA services for 2005.

An objective for Portage County Justice Programs in 2004 is to conduct an impact evaluation of all programs. As a part of this evaluation we will be working with system stakeholders and consultants to create a protocol to gather and evaluate project data. The OWI Intensive Supervision Program provides the best opportunity to examine offender change while in the program as well as monitoring repeat offenses over time.

The 2004, contract year provides us the opportunity to find ways to better collaborate and evaluate the impact of this program. Staff has worked hard to create a meaningful experience for participants and improve the value of the program to Portage County.

## **Trempealeau County**

**Connie Herman, Director 715/538-2311, ext. 272 tcub@trempealeaucounty.com**

The Trempealeau County Unified Board began its Intoxicated Driver's Intervention Program (IDIP) in July 2002. IDIP is an intensive community-based program that is designed to provide appropriate intervention and monitoring that will help individuals stop their pattern of drinking and driving. This program is also designed to save jail costs and help participants address any alcohol abuse problems. IDIP provides early intervention, assessment, information and referral, case management, education, urinalysis/breath analysis screening and assistance with community service.

Any person charged in Trempealeau County with a second, third or fourth OWI is eligible for IDIP (unless s/he has a pending felony at the time of the OWI arrest or if the OWI was associated with a traffic crash in which someone was injured). At the initial court appearance, those eligible are given a brochure and sign a form acknowledging the receipt of information regarding IDIP. The case manager is present to answer any questions and schedule appointments. Via a Condition of Bond, the Court orders all those eligible to make an initial appointment with the IDIP case manager. After meeting with the case manager, the eligible person makes an informed choice, deciding whether or not to participate in the program. Some decide not to participate in the program due to work schedule, not having a ride to all the scheduled activities, or living out of state. However, most eligible individuals do participate in IDIP due to the program's incentives (e.g., reduced jail time, possible reduced fines).

The typical duration of service for each participant in IDIP is 3 – 6 months. Final sentencing is deferred until the participant completes or is otherwise discharged from the program. The cost for each participant is \$150, but the amount is reduced to \$125 if full payment is made within two weeks.

IDIP participants are required to:

- Meet with the case manager as scheduled (usually weekly)
- Call in every Tuesday and Thursday to determine if s/he has been selected for a random urinalysis/breath analysis test
- Cooperate with completing requested urinalysis/breath analysis
- View Impact movie
- Attend a meeting with the community service program staff to set-up hours and sites for community service
- Complete a driver safety plan and follow through with all treatment recommendations
- Plead guilty or no contest when appearing in court for the OWI charge
- If a participant does not successfully complete the program s/he will not be eligible for reduced sentencing. Those that do successfully complete IDIP are given a reduced sentence, according to locally established judicial sentencing guidelines

## Profile of Counties with Pretrial Intensive Supervision Programs<sup>2</sup>

For purposes of illustration, the ISP counties are shown in chronological order by their start up dates. Since the Forest, Vilas and Oneida Counties ISP program is a joint effort, data for these three counties are shown as a single entry.

### *Licensed Drivers*

The number of licensed drivers residing in a county can be a contributing factor in the number of alcohol-related traffic crashes and OWI caseload. Wisconsin has more than 3.8 million licensed drivers. Approximately 38% of these drivers reside in the thirteen counties that are operating ISP programs. As shown in Table 2, twelve of the thirteen ISP-served counties had an increase in licensed drivers from 1998 to 2002. For a better understanding of the diversity of the thirteen counties served by ISP programs, this section compares and contrasts the ISP counties with each other and with the state as a whole. For each county with an active ISP program, this section summarizes the number of licensed drivers, vehicle miles of travel, alcohol availability, alcohol-related crashes, and OWI arrests, convictions and adjudicated outcomes.

**TABLE 2: 1998 - 2002 Licensed Drivers**

	1998	1999	2000	2001	2002	% Change from 1998 to 2002
<b>Milwaukee</b>	559,928	553,588	532,380	561,568	557,008	-0.5%
<b>Kenosha</b>	100,174	101,079	98,070	105,555	105,807	5.6%
<b>Eau Claire</b>	63,464	63,663	61,816	64,816	64,330	1.4%
<b>Marathon</b>	90,246	90,410	89,126	92,673	92,750	2.8%
<b>Waukesha</b>	268,722	271,484	261,969	283,856	284,616	5.9%
<b>Chippewa</b>	39,393	39,865	39,280	41,063	41,651	5.7%
<b>F/V/O</b>	53,153	53,471	52,126	55,106	55,422	4.3%
<b>Racine</b>	127,923	128,721	126,461	130,827	130,851	2.3%
<b>Portage</b>	45,881	45,738	44,726	46,778	46,636	1.7%
<b>Sheboygan</b>	79,285	79,696	78,917	81,081	81,173	2.4%
<b>Trempealeau</b>	19,585	19,702	19,608	19,977	20,399	4.2%
<b>ISP Counties</b>	1,448,165	1,447,417	1,404,479	1,483,300	1,460,244	0.8%
<b>State Total</b>	3,703,295	3,722,098	3,657,904	3,835,549	3,839,930	3.7%

<sup>2</sup> All of the facts and figures in this section come from the 2002 Wisconsin Alcohol Traffic Facts Book or other WisDOT sources.

## *Vehicle Miles of Travel*

The amount of travel on a county's streets and highways is a measure of exposure that can help explain the county's total number of alcohol-related traffic crashes and OWI caseload. Wisconsin public roadways carried over 58 billion vehicle miles of travel (VMT) in 2002. About one-third of the state's total VMT occurred in the thirteen counties that are operating ISP programs. As shown in Table 3, six of the thirteen ISP-served counties experienced increases in VMT from 1998 to 2002 that were greater than the statewide increase of 4.8% during that time.

**TABLE 3: 1998 - 2002 Annual Vehicle Miles of Travel (in millions)**

	1998	1999	2000	2001	2002	% Change from 1998 to 2002
<b>Milwaukee</b>	7,069.4	7,820.4	7,846.1	7,816.1	7,819.9	10.5%
<b>Kenosha</b>	1,380.8	1,458.1	1,428.6	1,428.6	1,466.2	6.2%
<b>Eau Claire</b>	996.4	977.5	969.6	969.5	1,028.6	3.3%
<b>Marathon</b>	1,282.4	1,420.6	1,429.2	1,429.2	1,538.5	19.9%
<b>Waukesha</b>	3,739.5	3,946.2	3,963.0	3,963.0	4,016.9	7.4%
<b>Chippewa</b>	677.1	659.9	669.3	669.2	721.9	6.6%
<b>F/V/O</b>	918.7	909.0	893.7	893.6	950.9	3.5%
<b>Racine</b>	1,624.5	1,643.6	1,613.0	1,613.0	1,655.3	1.8%
<b>Portage</b>	768.0	788.1	785.9	785.9	798.9	4.0%
<b>Sheboygan</b>	1,032.0	989.0	1,006.2	1,006.2	1,023.9	-0.7%
<b>Trempealeau</b>	350.0	356.6	357.1	357.1	389.9	8.6%
<b>ISP Counties</b>	19,838.8	20,969.0	20,961.7	20,931.4	21,410.9	7.3%
<b>State Total</b>	56,047.9	56,960.1	57,266.0	57,266.0	58,745	4.8%

## ***Alcohol Availability***

The availability of alcohol can be a contributing factor in a county's total number of alcohol-related traffic crashes and OWI caseload. Table 4 summarizes the number and density of liquor licenses issued in the thirteen ISP-served counties in 2001, as well as the population density. Seven of the counties (Marathon, Chippewa, F/V/O, Portage, and Trempealeau) had fewer residents per liquor license than the state average of 328. A total of 5,713 (30%) of the all liquor licenses in Wisconsin were held in the thirteen ISP-served counties.

**TABLE 4: 2002 Liquor Licenses and Population**

	<b>Liquor Licenses</b>	<b>Population</b>	<b>Square Miles</b>	<b>Population per Liquor License</b>	<b>Population per Square Mile</b>	<b>Liquor Licenses per Square Mile</b>
<b>Milwaukee</b>	2,024	939,919	241	464	3,900	8.4
<b>Kenosha</b>	370	150,934	273	408	553	0.9
<b>Eau Claire</b>	236	94,033	638	398	147	0.4
<b>Marathon</b>	412	125,834	1,559	308	81	0.2
<b>Waukesha</b>	655	363,571	554	555	656	1.2
<b>Chippewa</b>	210	55,812	1,017	266	55	0.2
<b>F/V/O</b>	625	68,229	3,008	112	23	0.2
<b>Racine</b>	472	189,490	334	409	567	1.4
<b>Portage</b>	233	67,692	810	291	84	0.3
<b>Sheboygan</b>	339	113,378	515	722	220	0.7
<b>Trempealeau</b>	137	27,229	736	199	37	0.2
<b>ISP Counties</b>	5,713	2,196,121	9,685	406	260	0.6
<b>State Total</b>	17,086	5,400,449	54,424	328	99	0.3



## *Alcohol-Related Traffic Crashes*

Statewide, the number of alcohol-related crashes and the proportion of total crashes that are alcohol-related had been declining until an increase in 2000. As shown in Table 5, six counties in 2002 have shown a decrease in alcohol related crashes in the thirteen ISP-served counties. However, seven of the thirteen counties (Kenosha, Chippewa, F/V/O, Racine, and Trempealeau have higher proportions of alcohol-related crashes than the state as a whole.

**TABLE 5: 1998-2002 Alcohol-Related Traffic Crashes**

	Alcohol-Related Crashes					Alcohol-Related Crashes as a % of All Crashes				
	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002
<b>Milwaukee</b>	1,176	1,016	1,058	1,028	991	5.1%	4.3%	4.4%	4.3%	4.2%
<b>Kenosha</b>	305	305	325	338	310	8.8%	8.9%	9.5%	9.9%	8.6%
<b>Eau Claire</b>	109	133	134	118	156	4.9%	5.5%	5.5%	4.9%	6.3%
<b>Marathon</b>	230	198	228	240	215	6.6%	5.6%	6.4%	7.7%	6.7%
<b>Waukesha</b>	389	309	420	376	418	5.3%	4.1%	5.6%	5.4%	5.8%
<b>Chippewa</b>	108	108	110	99	101	7.2%	7.7%	7.9%	7.4%	7.2%
<b>F/V/O</b>	171	137	164	164	185	10.3%	7.7%	9.2%	9.6%	10.1%
<b>Racine</b>	315	306	325	316	292	7.6%	7.6%	8.0%	7.5%	7.0%
<b>Portage</b>	125	123	115	103	113	6.0%	5.8%	5.4%	5.7%	6.3%
<b>Sheboygan</b>	142	134	146	169	158	5.4%	4.8%	4.7%	6.6%	6.2%
<b>Trempealeau</b>	66	47	57	47	61	12.8%	9.3%	10.8%	10.0%	13.1%
<b>ISP Counties</b>	2,802	2,512	2,764	2,998	3,000	6.0%	5.2%	5.8%	6.1%	2.4%
<b>State Total</b>	8,475	8,446	9,096	8,695	8,922	6.7%	6.4%	6.5%	6.9%	6.9%

## ***Drinking Drivers Involved in Crashes***

Statewide, the number of drinking drivers involved in crashes had been increasing since 1998 except for a decrease in 2001 and a slight increase in 2002. However, the proportion of drivers involved in crashes who had been drinking has been relatively stable. As shown in Table 6, similar trends have been experienced in the thirteen ISP-served counties.

**TABLE 6: 1998-2002 Drinking Drivers in Crashes**

	<b>Drinking Drivers in Crashes</b>					<b>Drinking Drivers in Crashes as a % of All Drivers in Crashes</b>				
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Milwaukee</b>	1,138	993	1,022	1,006	958	2.5%	2.1%	2.0%	2.1%	2.1%
<b>Kenosha</b>	297	304	330	338	315	4.7%	4.9%	4.8%	5.5%	4.8%
<b>Eau Claire</b>	106	133	134	113	152	2.7%	3.2%	3.0%	2.7%	3.6%
<b>Marathon</b>	233	201	229	246	219	4.5%	3.6%	4.0%	5.2%	4.5%
<b>Waukesha</b>	391	313	425	386	422	2.9%	2.3%	2.8%	3.1%	3.3%
<b>Chippewa</b>	100	107	111	103	103	4.9%	5.0%	5.4%	5.2%	4.9%
<b>F/V/O</b>	170	135	169	167	185	7.3%	5.4%	6.0%	7.1%	6.8%
<b>Racine</b>	314	304	332	309	291	4.1%	4.0%	4.1%	3.9%	3.8%
<b>Portage</b>	126	123	116	106	113	4.2%	3.9%	3.7%	4.0%	4.4%
<b>Sheboygan</b>	140	137	146	168	155	3.4%	3.0%	2.9%	4.1%	3.8%
<b>Trempealeau</b>	66	48	56	48	61	8.5%	6.5%	7.3%	7.2%	9.2%
<b>ISP Counties</b>	2,749	2,490	2,752	2,990	2,974	3.2%	2.9%	2.9%	4.5%	4.2%
<b>State Total</b>	8,444	8,491	9,135	8,702	8,909	4.0%	3.9%	3.9%	4.1%	4.2%

## ***OWI Arrests***

Most OWI arrests are not the result of a traffic crash. Most of them result from a motorist being stopped by a law enforcement officer who has reasonable suspicion that a traffic offense has been committed. Statewide data on OWI arrests are compiled from reports submitted by police agencies to the Wisconsin Department of Administration, Office of Justice Assistance. As shown in Table 7, statewide OWI arrest totals increased slightly from 1998 to 2001, but declined in 2002. Remarkably different patterns were demonstrated among the thirteen ISP-served counties during that time.

**TABLE 7: 1998-2002 OWI Arrests**

	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>% Change from 1998 to 2002</b>
<b>Milwaukee</b>	4,869	4,464	4,415	3,678	3,704	-23.9%
<b>Kenosha</b>	686	763	821	931	909	32.5%
<b>Eau Claire</b>	763	729	713	612	575	-24.6%
<b>Marathon</b>	776	629	1,255	793	679	-12.5%
<b>Waukesha</b>	2,228	2,344	2,226	2,490	2,465	10.6%
<b>Chippewa</b>	281	292	291	330	286	1.7%
<b>F/V/O</b>	807	724	683	688	676	-16.2%
<b>Racine</b>	935	910	941	901	821	-12.2%
<b>Portage</b>	482	513	473	546	498	3.3%
<b>Sheboygan</b>	822	948	819	837	1,046	27.3%
<b>Trempealeau</b>	127	170	183	151	181	42.5%
<b>ISP Counties</b>	11,345	10,855	11,345	10,403	11,840	4.4%
<b>State Totals</b>	37,708	37,548	38,324	38,731	37,051	-1.7%

## *Adjudicated OWI Cases*

OWI arrests lead to formal action by a prosecuting attorney and a judge. Table 8 summarizes the number of adjudicated OWI cases for 1998-2002, as reported to WisDOT by clerks of court. statewide adjudicated OWI case totals increased 7.3% from 1998 to 2002, but remarkably different patterns were demonstrated among the thirteen ISP-served counties during that time.

**TABLE 8: 1998-2002 Adjudicated OWI Citations<sup>3</sup>**

	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>% Change from 1998 to 2002</b>
<b>Milwaukee</b>	3,922	3,756	3,808	3,541	3,240	-17.4%
<b>Kenosha</b>	782	791	978	1,000	941	20.3%
<b>Eau Claire</b>	807	812	869	679	715	-11.4%
<b>Marathon</b>	948	747	837	914	837	-11.7%
<b>Waukesha</b>	2,462	2,389	2,595	2,751	2,867	16.5%
<b>Chippewa</b>	380	389	429	483	464	22.1%
<b>F/V/O</b>	795	699	796	656	796	0.1%
<b>Racine</b>	1,041	1,002	1,205	1,120	1,069	2.7%
<b>Portage</b>	509	508	507	507	506	-0.5%
<b>Sheboygan</b>	941	909	897	897	847	-9.9%
<b>Trempealeau</b>	212	229	268	268	216	1.9%
<b>ISP Counties</b>	11,137	10,585	11,517	11,144	12,498	12.2%
<b>State Total</b>	35,622	35,190	38,335	37,718	38,214	7.3%

<sup>3</sup> These data reflect the year in which the OWI cases reached their final adjudicated outcomes, not the year in which the citations were issued, so these numbers vary somewhat from the OWI arrest data shown in Table 7.

Table 9 summarizes the outcomes of the 38,214 OWI cases that were adjudicated statewide in 2002. Nine out of ten (92%) of all OWI cases resulted in a guilty plea or verdict. Four of the thirteen counties with ISP programs exceeded the statewide OWI conviction rate.

**TABLE 9: 2002 Outcome of Adjudicated OWI Cases**

	<b>Not Guilty</b>	<b>Dismissed</b>	<b>Amended</b>	<b>Guilty</b>	<b>Total Cases</b>	<b>% Guilty</b>
<b>Milwaukee</b>	9	74	63	3,094	3,240	95.5%
<b>Kenosha</b>	0	43	36	862	941	91.6%
<b>Eau Claire</b>	4	51	12	648	715	90.6%
<b>Marathon</b>	0	59	30	748	837	89.4%
<b>Waukesha</b>	3	115	91	2,658	2,867	92.7%
<b>Chippewa</b>	1	39	37	387	464	83.4%
<b>F/V/O</b>	2	47	43	704	342	86.4%
<b>Racine</b>	2	32	32	1,003	1,069	93.8%
<b>Portage</b>	0	31	8	467	506	92.3%
<b>Sheboygan</b>	2	41	40	764	847	90.2%
<b>Trempealeau</b>	0	18	5	193	216	89.4%
<b>ISP Counties</b>	23	550	392	11,528	12,044	95.7%
<b>State Total</b>	0.2%	4.7%	3.2%	92.0%	38,214	92.0%

## ***OWI Convictions by Driver Age***

Table 10 summarizes 2002 OWI convictions by driver age.<sup>4</sup> Statewide, over half of the drivers convicted of OWI in 2002 were between the ages of 25 and 44. A similar pattern existed in all but two of the thirteen ISP-served counties.

**TABLE 10: 2002 OWI Convictions by Driver Age at Time of Violation**

	<b>18 &amp; Under</b>	<b>19-20</b>	<b>21-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65 &amp; Over</b>	<b>Total</b>
<b>Milwaukee</b>	70	191	459	811	768	409	141	39	2,888
<b>Kenosha</b>	29	41	129	235	231	102	33	3	803
<b>Eau Claire</b>	24	53	139	145	133	66	23	5	588
<b>Marathon</b>	24	53	135	215	204	80	31	3	745
<b>Waukesha</b>	100	163	443	673	690	317	91	29	2,506
<b>Chippewa</b>	16	15	51	96	88	56	6	10	338
<b>F/V/O</b>	20	38	77	164	192	115	31	8	665
<b>Racine</b>	39	52	131	271	251	135	44	12	935
<b>Portage</b>	23	34	102	104	105	52	15	6	441
<b>Sheboygan</b>	24	59	151	230	181	85	17	5	762
<b>Trempealeau</b>	9	15	34	47	46	21	11	2	185
<b>ISP Counties</b>	378	714	1,851	2,714	2,889	1,438	443	123	10,856
<b>State Total</b>	1,316	2,284	6,463	9,027	8,823	4,346	1,214	397	33,870

<sup>4</sup> The number of OWI cases resulting in a guilty plea or verdict in Table 10 do not match the number of OWI convictions shown in Table 9 because the data were drawn from two different computer files at different times of the year; adjudicated OWI data (Table 9) are from a file that is updated monthly, while driver age data is from a file that is updated only twice a year.

## ***OWI Convictions by Repeat Offender Status***

Table 11 illustrates the magnitude of the repeat OWI problem in the thirteen ISP counties and statewide. More than one-third (35.8%) of the 2002 OWI convictions in Wisconsin went to repeat offenders. This was a considerable increase over the 1998 rate of 27.2%, primarily reflecting a new state law that as of 1/1/99 required the first prior OWI conviction to remain on record and be counted up to ten years (for purposes of defining a 2nd offender) and required a second or subsequent prior OWI conviction to remain on record and be counted for a person's lifetime.<sup>5</sup> The statewide repeat offender rate was exceeded in six of the thirteen ISP counties (Eau Claire, Marathon, F/V/O, and Sheboygan).

**TABLE 11: 2002 OWI Convictions by Violation County and Repeat Offender Status**

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup> –13 <sup>th</sup>	Total	% Repeat Offenders
<b>Milwaukee</b>	2,074	410	238	103	37	19	6	1	0	2,888	28.2%
<b>Kenosha</b>	572	114	68	33	9	3	2	2	0	803	28.8%
<b>Eau Claire</b>	373	112	60	24	15	2	0	1	1	588	36.6%
<b>Marathon</b>	423	126	117	56	19	2	1	1	0	745	43.2%
<b>Waukesha</b>	1,649	462	243	97	37	11	5	2	0	2,506	34.2%
<b>Chippewa</b>	231	41	37	14	11	3	1	0	0	338	31.7%
<b>F/V/O</b>	361	136	72	44	19	4	4	3	1	665	47.2%
<b>Racine</b>	63	152	77	25	12	5	0	1	0	935	29.1%
<b>Portage</b>	296	70	44	15	9	5	1	0	0	296	32.9%
<b>Sheboygan</b>	480	153	72	33	14	4	1	2	3	762	37.0%
<b>Trempealeau</b>	125	31	13	7	4	5	0	0	0	185	32.4%
<b>ISP Counties</b>	7,219	1,807	1,041	451	186	63	21	13	5	11,299	38.1%
<b>State Total</b>	21,744	6,156	3,441	1,549	623	234	76	27	5	33,870	35.8%

<sup>5</sup> WisDOT driver history records on prior OWI convictions only go back to 1/1/89 for purposes of "lifetime" record-keeping.

## ***Resident Drivers by Repeat OWI Offender Status***

As shown in Table 12, as of 12/31/02, 335,850 Wisconsin drivers had at least one prior OWI conviction on their driving record (dating from 1/1/90 for persons with one or two prior OWI convictions and from 1/1/89 for drivers with three or more prior convictions). Most of these drivers (269,439) had only one prior OWI conviction and would become repeat offenders on their next conviction. The remaining drivers (66,411) were already repeat offenders. The resident driver population in eight of the thirteen ISP-served counties (Eau Claire, Marathon, Chippewa, Forest, Vilas, Oneida, Portage, and Sheboygan) exceeded the statewide repeat OWI offender rate.

**TABLE 12: Resident Drivers with One or More Prior OWI Convictions**  
(during 1993-2002 for persons with 1 or 2 convictions, 1989-02 for persons with 3 or more)

	1	2	3	4	5	6	7	8	9 – 13	Total Drivers	% Repeat Offenders
<b>Milwaukee</b>	37,140	3,930	2,469	784	232	101	31	15	9	44,711	16.9%
<b>Kenosha</b>	7,064	845	547	145	32	19	5	6	1	8,664	18.5%
<b>Eau Claire</b>	4,543	681	463	187	58	23	8	3	2	5,968	23.9%
<b>Marathon</b>	5,639	682	548	202	68	15	5	2	0	7,161	21.3%
<b>Waukesha</b>	15,201	1,782	1,115	377	139	45	17	5	4	18,685	18.6%
<b>Chippewa</b>	2,762	406	251	90	35	17	7	6	1	3,575	22.7%
<b>F/V/O</b>	3,935	638	427	150	44	15	8	2	2	5,221	25.1%
<b>Racine</b>	8,768	1,029	610	178	62	20	2	2	1	10,672	17.8%
<b>Portage</b>	2,905	434	284	97	47	20	2	1	3	3,790	23.4%
<b>Sheboygan</b>	5,534	738	480	153	52	14	5	2	3	6,981	20.7%
<b>Trempealeau</b>	1,599	214	122	41	13	4	0	0	1	1,994	19.8%
<b>ISP Counties</b>	95,090	11,168	7,316	2,404	782	293	90	44	27	117,422	20.8%
<b>State Total</b>	269,439	33,620	21,389	7,427	2,525	933	319	120	5,221	335,850	19.8%

## **Demographic Profile of Intensive Supervision Program Participants**

Additional information collected and submitted to WisDOT by the ISP program counties for 2002 demonstrates the similarity of participants involved in the various ISP programs.



## Age of ISP Participants

Table 13 summarizes the OWI defendants who were eligible for ISP program participation in each county in 2002 by age at the time that the offender made their initial court appearance.

**TABLE 13: 2002 ISP Program Participation by Age**

	Milwaukee		Kenosha		Eau Claire		Marathon		Waukesha	
	#	Pct	#	Pct	#	Pct	#	Pct	#	Pct
£ 20	10	1.3%	7	2.2%	2	1.4%	6	2.5%	42	3.4%
21-24	51	6.8%	18	5.6%	15	10.2%	61	25.4%	137	11.1%
25-29	88	11.8%	42	13.1%	35	23.8%	31	12.9%	202	16.3%
30-34	115	15.4%	44	13.7%	14	9.5%	40	16.6%	190	15.3%
35-44	263	35.3%	132	41.3%	47	31.9%	74	30.8%	415	33.5%
45-54	156	20.9%	60	18.8%	31	21.1%	25	10.4%	194	15.7%
55+	62	8.3%	17	5.3%	3	2.1%	3	1.3%	59	4.8%
<b>Total</b>	745		320		147		240		1,239	
<b>Median Age</b>	38		38		37		33		36	

	Chippewa		F/V/O		Racine	
	#	Pct	#	Pct	#	Pct
£ 20	1	.6%	2	1.6%	3	0.7%
21-24	10	6.1%	5	4.2%	33	7.7%
25-29	23	14.1%	14	11.6%	69	16.2%
30-34	44	26.9%	29	24.2%	73	17.2%
35-44	51	31.3%	39	32.5%	139	32.7%
45-54	30	18.4%	27	22.5%	68	16.0%
55+	4	2.5%	4	3.3%	40	9.4%
<b>Total</b>	163		120		425	
<b>Median Age</b>	37		36		38	

	Portage		Sheboygan		Trempealeau	
	#	Pct	#	Pct	#	Pct
£ 20	2	2.5%	3	4.3%	2	3.3%
21-24	10	12.5%	12	17.1%	9	15.3%
25-29	2	2.5%	7	10.0%	12	20.3%
30-34	18	22.5%	15	21.4%	6	10.2%
35-44	32	40.0%	20	28.6%	21	35.6%
45-54	13	16.3%	10	14.3%	5	8.4%
55+	3	3.7%	3	4.3%	4	6.8%
<b>Total</b>	80		70		59	
<b>Median Age</b>	37		34		35	

### ***Gender of ISP Participants***

Statewide, (81%) of all drivers convicted of OWI in 2002 were male. Likewise, the number of males (79.7%) participating in most ISP programs far exceeded the number of female participants. Table 14 provides the gender breakdown of ISP program participants.

**TABLE 14: 2002 ISP Program Participation by Gender**

	<b>Male</b>	<b>Female</b>	<b>% Male</b>
<b>Milwaukee</b>	637	108	85.5%
<b>Kenosha</b>	267	53	83.4%
<b>Eau Claire</b>	111	36	75.5%
<b>Marathon</b>	193	47	80.4%
<b>Waukesha</b>	1,028	211	82.9%
<b>Chippewa</b>	127	36	77.9%
<b>Racine</b>	368	57	86.6%
<b>Portage</b>	62	18	77.5%
<b>Sheboygan</b>	50	20	71.4%
<b>Trempealeau</b>	51	8	86.4%
<b>F-V-O</b>	86	34	71.6%
<b>ISP County Total</b>	2,980	628	82.6%

## *Education of ISP Participants*

As shown in Table 15, less than half of the ISP program participants in 2002 had any formal education beyond high school. However, the data are relatively incomplete.

**TABLE 15: 2002 ISP Program Participation by Educational Achievement**

	<b>Less than HS</b>	<b>HS Graduate</b>	<b>GED<sup>6</sup></b>	<b>Some College or Tech School<sup>7</sup></b>	<b>College Graduate</b>	<b>Unknown</b>
<b>Milwaukee</b>	195	237	63	240	0	10
<b>Kenosha</b>	87	161	14	43	15	-
<b>Eau Claire</b>	11	41	-	60	24	11
<b>Marathon</b>	47	124	19	39	11	-
<b>Waukesha</b>	180	583	110	166	155	45
<b>Chippewa</b>	18	78	22	35	10	-
<b>F/V/O<sup>8</sup></b>	19	93	-	-	-	8
<b>Racine</b>	99	214	17	62	23	10
<b>Portage</b>	20	30	9	9	7	5
<b>Sheboygan</b>	16	33	13	6	2	-
<b>Trempealeau</b>	10	26	-	11	8	4
<b>Totals</b>	702	1,620	267	671	255	93

<sup>6</sup> Eau Claire and Marathon did not collect separate information on GED.

<sup>7</sup> Milwaukee, Kenosha and Waukesha did not differentiate between those who had some college or tech school and those who graduated.

<sup>8</sup> F/V/O does not collect information on all of the education achievements of their clients.

## ***Marital Status of ISP Participants***

As shown in Table 16, most ISP program participants in 2002 for whom marital status was known were “Never Married”, but the data are relatively incomplete.

**TABLE 16: 2002 ISP Program Participation by Marital Status**

	<b>Divorced</b>	<b>Never Married</b>	<b>Married</b>	<b>Widowed</b>	<b>Separated</b>	<b>Unknown</b>
<b>Milwaukee</b>	168	365	155	12	34	11
<b>Kenosha</b>	83	136	75	4	20	2
<b>Eau Claire</b>	30	66	27	3	5	16
<b>Marathon</b>	56	117	50	7	10	
<b>Waukesha</b>	296	599	288	4	47	5
<b>Chippewa</b>	61	72	26	1	3	
<b>F/V/O</b>	25	60	26	1	4	4
<b>Racine</b>	no data	-	-	-	-	-
<b>Portage</b>	23	39	12	0	1	5
<b>Sheboygan</b>	12	42	13	1	2	
<b>Trempealeau</b>	14	25	12		2	6
<b>ISP County Total</b>	768	1,521	684	33	128	49

## **Recidivism by Intensive Supervision Program Participants**

Under Wisconsin Statutes 85.53(4)(a), WisDOT is required to provide information to the legislature that addresses five questions, as follows:

***Question #1: How many individuals were arrested for a 2<sup>nd</sup> or subsequent offense of operating while intoxicated?***

Currently there is no statewide data source that tabulates arrests for second and subsequent OWI offenses. The OWI arrest data available for analysis is limited to:

- Office of Justice Assistance arrest data, which provides the number of OWI arrests reported to the agency by local law enforcement agencies, but which does not indicate whether the person arrested, if convicted, would be a repeat offender.
- WisDOT Driver Record File information, which provides the number of OWI convictions on record (since 1/1/89) for each driver, but which does not record the prior OWI arrests that resulted in a dismissal, amendment, or finding of not guilty.

**Question #2: How many individuals completed a local pretrial intoxicated driver intervention program?**

Table 17 summarizes the status of ISP program participants for the thirteen counties with active ISP programs in December 2002, as reported to WisDOT. This is the most recent and complete data available.

**TABLE 17: December 2002 Program Participation Status**

	Participants	Participant Status		
		Drop-Out or Non-Compliant	In Progress	Completed
<b>Milwaukee</b>	745	58	292	395
<b>Kenosha</b>	320	34	110	171
<b>Eau Claire</b>	147	43	35	69
<b>Marathon a<sup>9</sup></b>	155	20	57	78
<b>Marathon b<sup>10</sup></b>	85	25	51	9
<b>Waukesha</b>	1,239	156	387	678
<b>Chippewa</b>	163	34	30	99
<b>F/V/O</b>	120	27	8	85
<b>Racine</b>	425	47	126	252
<b>Portage</b>	80	4	45	31
<b>Sheboygan</b>	70	1	57	12
<b>Trempealeau</b>	59	16	36	7
<b>ISP County Totals</b>	3,608	465	1,234	1,886

<sup>9</sup> Marathon County provides services to repeat OWI, OAR & OAS offenders. (a)= OWI participants (b)=OAR/OAS participants

<sup>10</sup> Marathon County provides services to repeat OWI, OAR & OAS offenders. (a)=OWI participants (b)=OAR/OAS participants

***Question #3: What percentage of individuals who commence a program successfully complete their program?***

Table 18 summarizes the program completion rates for the thirteen counties with active ISP programs in December 2002, as reported to WisDOT. This is the most recent program completion data available.

**TABLE 18: December 2002 Successful and Unsuccessful Program Completion**

	Successful Completion	Drop-Out/ Non-Compliant	Completion %	
			Successful	Unsuccessful
<b>Milwaukee</b>	395	58	86.5%	13.5%
<b>Kenosha</b>	171	34	83.4%	16.6%
<b>Eau Claire</b>	69	43	61.6%	38.4%
<b>Marathon(a)<sup>10</sup></b>	78	20	79.6%	20.4%
<b>Marathon (b)<sup>10</sup></b>	9	25	26.5%	73.5%
<b>Waukesha</b>	678	156	81.3%	18.7%
<b>Chippewa</b>	99	34	74.4%	25.5%
<b>F/V/O</b>	85	27	75.6%	24.4%
<b>Racine</b>	252	47	84.3%	15.7%
<b>Portage</b>	31	4	87.1%	12.9%
<b>Sheboygan</b>	12	1	92.3%	7.6%
<b>Trempealeau</b>	7	16	30.4%	69.6%
<b>ISP County Total</b>	1,886	465	80.2%	19.8%

<sup>10</sup> Marathon County provides services to repeat OWI, OAR & OAS offenders. (a)=OWI participants (b)=OAR/OAS participants

***Question #4: How many individuals who, after completing a program, are re-arrested for a 3<sup>rd</sup> or subsequent offense of operating while intoxicated?***

For long-term analysis of OWI recidivism rates, WisDOT staff identified 200 drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISP programs at that time. Table 19a summarizes the OWI re-arrest experience of these drivers. As of 12/1/03, about 25% had been rearrested (and convicted) of OWI, and only 4% had been re-arrested (and convicted) more than once. The definition of “**re-arrested**” in this context simply means the cohort has been arrested again after being in the Intensive Supervision Program since they already have had multiple OWI arrests to qualify for admission to this program.

**TABLE 19a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 Who Completed an ISP Program<sup>10</sup>**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Milwaukee</b>	129	27	21	734	5	4	335
<b>Kenosha</b>	39	11	28	555	1	2	1290
<b>Eau Claire</b>	18	6	33	689	2	11	797
<b>Marathon<sup>11</sup></b>	14	6	43	792	0	0	0
<b>4-County Total</b>	200	50	25	696	8	4	570

Table 19b summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in April-December 1999 in Waukesha County. *[It is necessary to have separate tables due to the different time frames referenced.]* As of 12/1/03, about 26% had been rearrested (and convicted) of OWI, and 3% had been re-arrested (and convicted) more than once.

**TABLE 19b: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in April-December 1999 Who Completed an ISP Program**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Waukesha</b>	276	70	26	506	9	3	320

<sup>11</sup> Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/03.

Table 19c summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in July-December 2000 in Chippewa, Forest/Vilas/Oneida counties. As of 12/1/03, about 13% had been re-arrested (and convicted) of OWI, and one person had been re-arrested (and convicted) more than once.

**TABLE 19c: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2000 Who Completed an ISP Program**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Chippewa</b>	51	6	9	545	0	0	0
<b>F-V-O</b>	15	3	20	737	1	7	687
<b>4 County Total</b>	66	9	13	609	1	7	687

Table 19d summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in August-December 2000 in Racine County. As of 12/1/03, about 15% had been re-arrested (and convicted) of OWI, and none had been re-arrested (and convicted) more than once.

**TABLE 19d: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in August-December 2000 Who Completed an ISP Program**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Racine</b>	73	11	15	497	0	0	0

**TABLE 19e: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2002 Who Completed an ISP Program**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Portage</b>	60	2	3	53	1	1.8	195
<b>Sheboygan</b>	130	0	0	0	0	0	0
<b>Trempealeau</b>	38	9	37	297	0	0	0
<b>3 Co. total</b>	228	11	6	253	1	1.8	195



***Question #5: How many individuals eligible to participate in a program who did not complete a program and who, after becoming eligible to participate in the program, are arrested for a 3<sup>rd</sup> or subsequent offense of operating while intoxicated?***

WisDOT staff identified a group of 219 drivers who were arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISP programs at that time, but who did NOT participate in an ISP program. Their reasons for non-participation are unknown, but most likely these individuals simply did not meet the eligibility criteria defined by each county's ISP program providers.

Table 20a summarizes the OWI re-arrest experience of these drivers. As of 12/1/03, more than one in three (39%) had been rearrested (and convicted) of OWI, and 11% had more than one OWI re-arrest (and conviction). Waukesha and Racine County are not included in the Did Not participate chart because their programs are mandatory for repeat drunk drivers.

The definition of **"re-arrested"** in this context simply means the cohort has been arrested again after being in the Intensive Supervision Program since they already have had multiple OWI arrests to qualify for admission to this program.

**Table 20a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 Who Did NOT Participate in an ISP Program<sup>12</sup>**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Milwaukee</b>	121	50	41	493	13	11	504
<b>Kenosha</b>	24	7	29	527	4	17	357
<b>Eau Claire</b>	38	16	42	622	4	11	623
<b>Marathon<sup>13</sup></b>	36	12	33	626	3	8	587
<b>4 County Total</b>	219	85	39	539	24	11	465

**Table 20b: Does not exist because Waukesha County (Table 19b) does not have a comparison group to compare it to.**

Table 20c summarizes the OWI re-arrest experience of 31 drivers who were arrested for a second or subsequent OWI offense in July – December 2000 in Chippewa, Forest, Vilas and Oneida counties, but who did NOT participate in an ISP program. As of 12/1/03, 35% had been rearrested ( and convicted) of OWI, and one person had more than one OWI re-arrest (and conviction).

**Table 20c: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2000 Who Did NOT Participate in an ISP Program<sup>14</sup>**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Chippewa</b>	16	2	13	220	0	0	0
<b>F-V-O</b>	15	9	60	163	1	0.6	849
<b>4 County Total</b>	31	11	35	173	1	0.3	849

<sup>12</sup> Only repeat OWI offenders who participated in the Marathon County ISP program were included in this cohort for analysis; repeat OAR and OAS offenders were not included.

<sup>13</sup> Only repeat OWI offenders in Marathon County were included in this group for analysis.

<sup>14</sup> Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/03.

**able 20d: Does not exist because Racine County (Table 19d) does not have a comparison group to compare it to.**

Table 20e summarizes the OWI re-arrest experience of 19 drivers who were arrested for a second or subsequent OWI offense in July – December 2000 in Trempealeau county, but who did NOT participate in an ISP program. As of 12/1/03, 32% had been rearrested ( and convicted) of OWI, and one person had more than one OWI re-arrest (and conviction). Portage and Sheboygan Counties did not have a comparison group to compare it to.

**TABLE 20e: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2002 Who Did NOT Participate in an ISP Program<sup>14</sup>**

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 <sup>st</sup> Re-arrest	#	%	Average Days to 2 <sup>nd</sup> Re-arrest
<b>Trempealeau</b>	19	6	32	137	1	5	105

A comparison of the recidivism data in Tables 19a, 19c, 20a and 20c reveals the following:

- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested for OWI than were repeat offenders who did not participate in an ISP program.
- Repeat OWI offenders who successfully completed an ISP program and were re-arrested once for OWI had a longer average elapsed time (from their previous OWI arrest) than repeat offenders who did not participate in an ISP program.
- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested more than once for OWI than were repeat offenders who did not participate.